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Attorney for Plaintiff
Carlos Chavez, Jr.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS CHAVEZ, JR.,

Plaintiff,

V.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant,

Case No. 2:22-CV-00490-DMC

**STIPULATION AND ORDER, ON
PLAINTIFF'S REQUEST TO EXTEND
THE SCHEDULING ORDER FILED ON
APRIL 12, 2022 (ECF No. 6)**

Pursuant to Local Rule 143 the parties stipulate, that Plaintiff's request to extend the scheduling order filed on April 12, 2022, (ECF No.6) be granted as set forth in the local rule 144(d) (Fed.R.Civ.P.6). "The district court is given broad discretion in supervising the pretrial phase of litigation." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that "[a] schedule may be

1 modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The
2 schedule may be modified 'if it cannot reasonably be met despite the diligence of the party
3 seeking the extension.'" Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th
4 Cir. 2002) (quoting Johnson, 975 F.2d at 607).

5
6 Good cause exists for this extension as Counsel for Plaintiff experienced a medical
7 emergency during pendency of this case and lacked the ability to comply with the *April 12,*
8 **2022 (ECF No. 6)** Scheduling Order. Thereafter, upon Counsel's return to her office on July
9 25, 2022, Counsel was under the erroneous belief the request for extension had been filed as
10 the file appeared complete. Counsel was awaiting an amended scheduling order to be issued,
11 not realizing the pleading in the file was not endorsed, Counsel failed to comply with the July
12 29, 2022, deadline set forth in the Order. It is believed the medical issues that precluded
13 Plaintiff's Counsel from performing by the prescribed time limit have been resolved and
14 Counsel respectfully request the Scheduling Order of April 12, 2022, be modified and an
15 Amended Order be issued.
16
17

18 There has been no previous request for extensions of time in this matter. It is noted that
19 Request for Court- approved extensions brought on the required filing date for the pleading or
20 other document are looked upon with disfavor. Local Rule 144 (d).
21

22 Now, therefore, **IT IS HEREBY STIPULATED** by and between all the parties to this
23 action as follows:
24
25

1 1. The scheduling order filed on April 12, 2022 (ECM doc 6) shall be
2 extended for 60 days, based on Plaintiff's request to extend the Scheduling Order
3 and by agreement of the Parties.

4 2. Plaintiff's request shall be granted and based on good cause and the Court
5 shall modify the April 12, 2022, Scheduling Order, and file an Amended
6 Scheduling Order as set forth in accordance with Local Rule 144 (Fed. R. Civ. P.
7
8 6)

9
10 **SO STIPULATED:**

11
12 Dated: August 2, 2022

13
14 By: /S/ JODY M. PETERSON
15 Jody M. Peterson
16 Attorney for Petitioner,
Carlos Chavez Jr.

17 Dated: August 2, 2022

18
19 PHILLIP A. TALBERT
20 United States Attorney
21 PETER THOMPSON
22 Acting Regional Chief Counsel, Region IX
23 Social Security Administration

24 By /s/ Elizabeth Landgraf
25 ELIZABETH LANDGRAF
26 Special Assistant United States Attorney
27 Attorneys for Defendant

ORDER

Based on the Joint Stipulation of the parties, and good cause appearing therefor,

IT IS SO ORDERED, the dates established in the scheduling order filed on April 12, 2022

(ECM doc 6) shall be extended for 60 days.

Dated: August 3, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE